

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MICKEY L. DOOLEY,)	
)	
Petitioner/Defendant,)	
)	CIVIL NO. 10-165-GPM
vs.)	
)	CRIMINAL NO. 08-30010-GPM
UNITED STATES OF AMERICA ,)	
)	
Respondent/Plaintiff.)	

MEMORANDUM AND ORDER

MURPHY, District Judge:

On September 21, 2011, this Court entered final judgment denying Petitioner’s motion to vacate, set aside, or correct sentence. Petitioner filed a notice of appeal on October 11, 2011.

Pursuant to 28 U.S.C. § 2253, a petitioner may not proceed on appeal without a certificate of appealability. Section 2253(c)(2) provides that a certificate of appealability may issue “only if the applicant has made a substantial showing of the denial of a constitutional right.” Section 2253(c)(3) further provides that “[t]he certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).” Because Petitioner may not proceed on appeal without a certificate of appealability issued by either this Court or the Court of Appeals for the Seventh Circuit, the Court construes the notice of appeal as also requesting a certificate of appealability. *See* FED. R. APP. P. 22(b).

This Court carefully considered Petitioner’s arguments and for the reasons thoroughly set forth in the September 21, 2011, Memorandum and Order (*see* Doc. 20), Petitioner has not made a substantial showing of the denial of a constitutional right. Accordingly, the Court **DECLINES** to

issue a certificate of appealability. Pursuant to Federal Rule of Appellate Procedure 22(b), Petitioner may present his request for a certificate of appealability to the Court of Appeals for the Seventh Circuit.

IT IS SO ORDERED.

DATED: 10/17/11

s/ *G. Patrick Murphy*
G. PATRICK MURPHY
United States District Judge